

# **Exhibit 1**

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September 9, 2011

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*Re: Alcatel-Lucent USA Inc. v. Amazon.com, et al.*

Dear Counsel:

Alcatel-Lucent USA intends to call Dr. Hauser to testify live at trial. Since both sides have completed deposition designations for Dr. Hauser, in the event he were to become unavailable, we specifically reserve the right to call him by deposition testimony. In light of this, we believe "Defendants' Motion to Strike/Objections to Alcatel's Use of Deposition Testimony From Its Expert John Hauser" (Dkt. No. 415) is rendered moot.

Please confirm that you will prepare the necessary papers to withdraw this Motion.

Best regards,

  
Melissa A. Goodman